

MINUTES
EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, March 27, 2018

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Kate Beaton, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, David Strobel, Tim Tewalt, Bob Von Haden, Terry Weld, Andrew Werthmann, and Michael Xiong.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, March 27, 2018:

- Adopting the Consent Agenda.
- Approving the Minutes of the March 13, 2018 Council Legislative Session.
- Granting new bartender licenses.
- Authorizing the Girls on the Run of the Chippewa Valley to conduct the Girls on the Run of the Chippewa Valley 5K on Saturday, May 12, 2018, beginning in Carson Park and along city sidewalks, and trails.
- Authorizing Eau Claire Jazz, Inc. to conduct the 52nd Street Eau Claire Jazz Festival on Friday, April 20, 2018, along Barstow Street.
- Providing for the continuation of the City of Eau Claire's self-insured workers' compensation program.
- Declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street, utility, and sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for April 9, 2018, on the following streets:
 - Keith Street, Lexington Boulevard to Skeels Avenue (18-110)
 - Taft Avenue, Rudolph Road to Keith Street (18-114)
 - First Avenue, 340 Feet North of West Grand Avenue to 200 Feet South of West Grand Avenue (18-400)
 - Gibson Street, South Barstow Street to Graham Avenue (18-401)

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell "to adopt the consent resolution." Said motion passed by unanimous vote.

PROCLAMATION

President Kincaid read a proclamation recognizing the programs known as TRIO (which provide services for students whose parents have not graduated from college, students from low-income households and students with disabilities) for their ability to motivate, assist, retain and graduate eligible students, and proclaiming April 3, 2018 as TRIO Day.

LICENSES

The City Council considered a resolution granting a Temporary Class “B” Fermented Malt Beverage license to Eau Claire Dartball League, Travis Logslett, President, for the Wisconsin State Dartball Tournament at the Eau Claire Sports Center, 3456 Craig Road, on April 7-8, 2018. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Xiong “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution granting a permanent expansion of the Combination Class A Intoxicating Liquor & Fermented Malt Beverage licensed premise of Wal-Mart Stores, East, LP, d/b/a Wal-Mart #1669, 3915 Gateway Drive, to include an online grocery pickup area. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by unanimous vote.

PROPERTY TRANSACTIONS

The City Council considered a resolution declaring the property at 559 North Hastings Way (10-0526) excess land. Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution declaring vacant land on Galloway Street (10-1161-A) excess land. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden, Weld and Xiong. Nay: Council Member Werthmann.

GRANTS

The City Council considered a resolution authorizing an amendment to the Department of Natural Resources Stewardship Grant changing the scope to include the purpose of constructing the Cannery trail. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

WORK PLAN

The City Council considered a resolution approving the Sustainability Advisory Committee’s 2018 Work Plan. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the resolution.” Said motion passed by unanimous vote.

STRATEGIC PLAN

The City Council considered a resolution adopting the Strategic Plan for the City of Eau Claire. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by unanimous vote.

CAMDEN PLACE FINAL PLAT

The City Council considered a resolution approving the final plat for Camden Place located east of Jeffers Road and west of the Northwest Community Park (File P-1-18). Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

CAMDEN PLACE DEVELOPMENT AGREEMENT

The City Council considered a resolution authorizing the City Manager to enter into a Development Agreement with CMJM Properties, LLC for street and utility improvements serving the Plat of Camden Place. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.”

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell to “amend the Development Agreement” by adding Special Condition J.9 on page SC-5 of the Development Agreement reflecting that the Developer will plant a row of screening vegetation north of Waylon Street. Said “motion to amend the Development Agreement” passed by unanimous voice vote.

A vote was then taken “to adopt the resolution with amended Development Agreement.” Said motion passed by unanimous vote.

CAMDEN PLACE PUBLIC RIGHT-OF-WAY

The City Council considered a resolution dedicating a portion of City land to public right-of-way from the extension of Shorewood Heights Parkway through the Northwest Park to the Plat of Camden Place. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

CAMDEN PLACE SIDEWALK DEFERRAL

The City Council considered a resolution deferring sidewalk within the Plat of Camden Place. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the resolution.”

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Tewalt “to amend the resolution” by changing the sidewalk deferral from the south side of Waylon Street to the north side of Waylon Street and from adjacent to Outlot 2 to adjacent to Outlot 3.”

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to amend the resolution” by striking the sidewalk deferral of “the south side of Waylon Street adjacent to Outlot 2 and the Northwest Park.” Said motion passed by the

following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Weld, Werthmann and Xiong. Nay: Council Members Tewalt and Von Haden.

A vote was then taken on the “motion to amend the resolution” by changing the sidewalk deferral from the south side of Waylon Street to the north side of Waylon Street and from adjacent to Outlot 2 to adjacent to Outlot 3. Said motion failed by the following vote:

Aye: Council Members Tewalt and Von Haden. Nay: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Weld, Werthmann and Xiong.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

ALLEY IMPROVEMENTS

Council Member Beaton requested to divide consideration of the alley east of South Barstow Street from the alley south of Fountain Street and the alley south of Walnut Street. No objections were voiced.

The City Council considered a preliminary resolution declaring the City’s intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for alley improvements, and directing the City Clerk to give notice of a hearing scheduled for April 9, 2018, on the following alleys:

- Alley South of Fountain Street, Ninth Street to Eleventh Street (18-501)
- Alley South of Walnut Street, Ninth Street to Eleventh Street (18-514)

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Tewalt “to adopt the resolution.” Said motion failed by the following vote:

Aye: Council Member Klinkhammer. Nay: Council Members Beaton, Emmanuelle, Kincaid, Mitchell, Strobel, Tewalt, Von Haden, Weld, Werthmann and Xiong.

The City Council considered a preliminary resolution declaring the City’s intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for alley improvements, and directing the City Clerk to give notice of a hearing scheduled for April 9, 2018, on the Alley East of South Barstow Street, Seaver Street to Emery Street (18-504).

Thereupon a motion was offered by Council Member Weld and seconded by Council Member Klinkhammer “to adopt the resolution.” Said motion passed by the following vote:

Aye: Council Members Beaton, Emmanuelle, Klinkhammer, Mitchell, Werthmann and Xiong. Nay: Council Members Kincaid, Strobel, Tewalt, Von Haden and Weld.

STREET IMPROVEMENTS

Lake Street & West Grand Avenue

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Lake Street, Chippewa River Bridge to South Farwell Street (18-111)
- West Grand Avenue, First Avenue to Oxford Avenue (18-108)

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell “to adopt the resolution.”

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Emmanuelle “to amend the resolution” by adding the following BE IT FURTHER RESOLVED clause:

“THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Eau Claire that the special assessments for Lake Street included in said report are hereby amended to remove streetscape and decorative paver bricks as special assessment items, but are included in the construction of the project.”

Said “motion to amend” passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Strobel, Tewalt, Weld, Werthmann and Xiong; Nay: Council Members Klinkhammer, Mitchell and Von Haden.

A vote was then taken “to adopt the resolution as amended.” Said motion passed by unanimous vote.

Airport Road & Colonial Drive

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Airport Road, Neptune Avenue to East Riverview Drive (18-200)
- Colonial Drive, Marquette Street to Apollo Drive (18-300)

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Xiong “to adopt the resolution.” Said motion passed by unanimous vote.

Council Member Werthmann requested to divide consideration of the improvements on Fairfax Street from the improvements on Harding Avenue and Washington Street. No objections were voiced.

Harding Avenue & Washington Street

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Harding Avenue, Washington Street to Lee Street (18-302)
- Washington Street, South Farwell Street to East Street (18-117)

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt the resolution.”

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Beaton “to postpone” for two Council meetings. Said “motion to postpone” failed by the following vote: Aye: Council Members Beaton, Emmanuelle and Werthmann. Nay: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden, Weld and Xiong.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to amend the resolution” by adding shoulder hatching on Harding Avenue. Said “motion to amend” failed by the following vote: Aye: Council Members Beaton, Emmanuelle, Weld, Werthmann and Xiong. Nay: Council Members Kincaid, Klinkhammer, Mitchell, Tewalt and Von Haden. Absent: Council Member Strobel.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Beaton “to amend the resolution” by adding railing to the sidewalk on Harding Avenue similar to at the University. Said “motion to amend” failed by the following vote: Aye: Council Members Beaton, Emmanuelle, Tewalt, Werthmann and Xiong. Nay: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden and Weld.

Council Member Beaton left Council Chambers.

A vote was then taken to “adopt the resolution.” Said motion passed by unanimous vote.

Fairfax Street

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Fairfax Street, Golf Road to Meadow Lane (18-301). Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

Council Member Mitchell requested to divide consideration of the improvements on Eight Street, Eleventh Street, Platt Street and Tenth Street as follows: Eleventh Street; Tenth Street; and Eighth Street and Platt Street. No objections were voiced.

Eleventh Street

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Eleventh Street, Vine Street to Marshall Street (18-104). Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.”

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to amend the resolution” by adding a clause extending the deferment option from 10 years to 20 years and waiving interest payments for the 13 properties that had sewage back-up into their basements as a result of the water main break on February 27, 2018. Said “motion to amend” passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Mitchell, Tewalt, Von Haden, Weld, Werthmann and Xiong. Nay: Council Members Klinkhammer and Strobel.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

Tenth Street

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Tenth Street, Platt Street to Vine Street (18-115). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.”

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Weld “to amend the resolution” by deferring sidewalk on the west side of Tenth Street, from Platt Street to Vine Street.” Said “motion to amend” passed by the following vote: Aye: Council Members Kincaid, Mitchell, Tewalt, Von Haden, Weld, Werthmann and Xiong. Nay: Council Members Klinkhammer and Strobel. Absent: Council Member Emmanuelle.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by the following vote: Aye: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden, Weld, Werthmann and Xiong. Absent: Council Member Emmanuelle.

Eight Street & Platt Street

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Eighth Street, Folsom Street to Truax Boulevard (18-105)
- Platt Street, Seventh Street to Eleventh Street (18-112)

Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden, Weld, Werthmann and Xiong. Absent: Council Member Emmanuelle.

Sidewalk Repair

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Lake Street, Chippewa River Bridge to South Farwell Street (18-111)
- West Grand Avenue, First Avenue to Oxford Avenue (18-108)
- Fairfax Street, Golf Road to Meadow Lane (18-301)
- Harding Avenue, Washington Street to Lee Street (18-302)
- Washington Street, South Farwell Street to East Street (18-117)
- Eighth Street, Folsom Street to Truax Boulevard (18-105)
- Eleventh Street, Vine Street to Marshall Street (18-104)
- Platt Street, Seventh Street to Eleventh Street (18-112)
- Tenth Street, Platt Street to Vine Street (18-115)

Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

AGREEMENT

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City of Eau Claire and Fire Fighters Local 487. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by unanimous vote.

PAY PLAN

The City Council had first reading on an ordinance amending s. 2.72.010 entitled “City of Eau Claire Pay Plan – Adopted,” specifically that part thereof pertaining to Fire Fighters Local 487 employees.

The City Council had first reading on an ordinance amending s. 2.72.010 entitled “City of Eau Claire Pay Plan – Adopted,” specifically that part thereof pertaining to the City Manager.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to suspend the rules which interfere with the immediate consideration of said ordinances.” Said motion to suspend the rules passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the ordinance” amending s. 2.72.010 entitled “City of Eau Claire Pay Plan – Adopted,” specifically that part thereof pertaining to Fire Fighters Local 487 employees. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the ordinance” amending s. 2.72.010 entitled “City of Eau Claire Pay Plan – Adopted,” specifically that part thereof pertaining to the City Manager. Said motion passed by the following vote: Aye: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden, Weld, Werthmann and Xiong. Nay: Council Member Emmanuelle.

ADJOURNMENT

A motion was offered by Council Member Tewalt and seconded by Council Member Weld “that this meeting does now adjourn without objection.” Said motion passed by unanimous consent.

Adjournment: March 27, 2018

Time: 7:31 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Carrie L. Riepl, City Clerk